

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAWNE LULEFF, on behalf of  
herself and all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.; COLUMBIA  
FUNDS SERIES TRUST f/k/a NATIONS FUNDS  
TRUST; WILLIAM P. CARMICHAEL; and  
BANK OF AMERICA CORPORATION,

Defendants.

Case No. 06-CV-1435 (JGK)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed Affidavit of Andrew B. Messite, sworn to July 28, 2006, the exhibits annexed thereto and the accompanying Memorandum of Law, defendants Bank of America, N.A. and Bank of America Corporation will move the Court at the United States Courthouse, 500 Pearl Street, Room 1030, New York, New York 10007-1312 at a date and time to be designated by the Court, for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing plaintiff's Complaint, along with such other and further relief as the Court deems just, proper, and equitable.

Dated: New York, New York  
July 28, 2006

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By: 

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